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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/823,221

03/29/2001

John T. Orchard

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08/29/2003

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EXAMINER

LAU, TUNG S

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 08/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/823,221

Applicant(s)

ORCHARD, JOHN T.

Examiner

Tung S Lau

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-18, 21-26 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-18, 21-26 and 28-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 18, 26, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 21, 22, 23, 24, 25, 28-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Reichlen (U.S. Patent 6,396,497).

Regarding claim 1:

Reichlen discloses a handheld computing device comprising a motion detection sensor(s), to detect motion of the computing device in one or more of six (6) fields of motion and to generate an indication of such motion (fig. 1, unit 22, Col. 2-3, Lines 41-27); and a motion control agent to determine whether an operating system or an application has operational control of a display of the computing device (Col. 2-3, Lines 41-53, Col. 7, Lines 1-46), in response to motion indications received from the motion detection sensor(s), first control signals to modify an operating state of the computing device (Col. 7, Lines 1-46), if the

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operating system has operational control of the display and generate (Col. 7, Lines 1-46), in response to the motion indications, second control signals to modify displayed content of the computing device, if the application has operational control of the display (Col. 7, Lines 1-46).

Regarding claim 18:

Reichlen discloses a storage medium comprising a plurality of executable instructions which, when implemented by a computing device, cause the machine to implement a motion control agent to receive indication(s) that the computing device is being physically manipulated in one or more of six (6) fields of motion detect whether an operating-system or an application has operational control of a display of the computing device (Col. 2-3, Lines 41-53, fig. 1), generate first control signals to modify an operating state of the computing device in response to the indication(s), if the operation system has operational control of the display (Col. 7, Lines 1-56), and generate second control signals to modify displayed content of the computing device in response to the indication(s), if the application has operational control of the display (Col. 7, Lines 1-56).

Regarding claim 26:

Reichlen discloses a method for controlling a handheld computing device, the method comprising receiving indications of motion of the computing device in one or more of six (6) fields of motion from motion detection sensor(s) integrated with

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the computing device (Col. 2-3, Lines 41-53, fig. 1); determining whether an operating system or an application has operational control of a display of the computing device (Col. 7, Lines 1-55); generating first control signals to modify an operating state of the computing device in response to receiving the indication(s) of motion (Col. 2-3, Lines 41-53, fig. 1), if the operating system has operational control of the display; and generating second control signals to modify displayed content of the computing device in response to receiving the indication(s) of motion, if the application has operational control of the display (Col. 2-3, Lines 41-53, fig. 1).

Regarding claims 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 21, 22, 23, 24, 25, 28-33:

Reichlen discloses the motion detection sensors require an initial motion and a complementary motion within certain ones of the fields of motion that exceed a motion threshold before an indication of motion is generated (fig. 3, unit 60); motion in x,y,z field (fig. 1, unit 10); shock detector (Col. 5, Lines 30-45), sensor responsive to x, y, z field (Col. 2-3, Lines 41-53, fig. 1, unit 10); response to one or more of x, y, z rotation motion (fig. 1), including complementary motion (fig. 1, unit 10), motion response from the sensor (Col. 2-3, Lines 50-12, Col. 7, Lines 1-45); active region (Col. 7, Lines 1-45); generate multiple control signal (Col. 7, Lines 1-33); a personal gaming device (fig 1, unit 22).

***R s p o n s   t o   A r g u m e n t s***

2.     Applicant's arguments with respect to claims 1-8,10-18,21-26 and 28-33 have been considered but are moot in view of the new ground(s) of rejection. However, applicant's arguments filed 7/15/2002 have been fully considered but they are not persuasive.

**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 703-305-3309.

The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TC2800 RightFAX Telephone Numbers : TC2800 Official Before-Final RightFAX - (703) 872-9318, TC2800 Official After-Final RightFAX - (703) 872-9319

TC2800 Customer Service RightFAX - (703) 872-9317

TL

August 21, 2003

  
John Barlow  
Supervisory Patent Examiner  
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